FOR MYSORE STATE

.906—4-1-52.

~~Rev~~ (1953) Department.

Passed
Mr
Sub St.

MS SERIES.

G.O. NO. 2375

Dated 21-2-53

[Despatch Abstract.]

Mines — M.L. (Bellary) — Hospet TK — Jambunathana halli Vg — SNo. 115B. Grant to Sri Gangadarappa — Orders passed

R. Gangadharappa

Landlord, Banker & Mines Owner,
KAKARAL Hospet (Tq)

HOSPET
(Dt. Bellary) J1

Ref

Date 23rd September 1952.

To

The Secretary to the Government of Madras.
Development Department,
Fort St.George,
M A D R A S.

108111 J

Sir,

Sub:- Mining lease - Iron ore and red oxide of iron - Bellary district - Hospet taluk - Jambunathanahalli - S.No. II5 B - application of R.Gangadharappa - reduction in area - appeal submitted.

Ref :- I. G.O. 4938 Dev. Dept. dated 6-II-5I

2. Government Memorandum No.97573 J/52-I dated I2-9-52.

In the G.O.cited above the Government were pleased to sanction a mining lease in my favour for a period of 30 years over an extent of 450-85 acres in S.No.II5 B of Jambanathana halli of Hospet taluk. Subsequently the Government have revised and reduced the extent to 387-63 acres in the memo cited, without assigning any reasons.

2 From a perusal of the notice issued by the Thasildar Hospet in his ROC 3886/52-AI dated I5-9-52 prohibiting me from working on the mines in plot No.3 of S.No.II5 B of Jambunathana halli, I learnt that one Sri.S.Virupksha setty has applied for the same. This gentleman is a retired collector and has high influence in official circles. He has applied for this area on the pretext that I had not applied for it.

3 The history of my mining lease is given below:-

On 24-IO-50 at 2.P.M. I submitted an application for a mining lease over the complete extent of 635-48 acres of S.No. II5 B of Jambunathanalli village and the receipt of which was acknowledged by the Collector on I-II-50. The collector directed me to send in my application in the prescribed form and remit an amount of Rs.500/- towards prelimanary expenses. On I9-I2-50, I submitted an application in the prescribed form

K. Gangadharappa
Landlord, Banker & Mines Owner,
KAKABAL Hospet (Tq)

HOSPET
(Dt. Bellary)

as directed by the collector and remitted a sum of Rs.500/-. Subsequently on information from the Thasildar Hospet I submitted a report to him on 26-2-51 requesting that the area already applied for by Sri. Gadigi Chennappa may be excluded from the area of the above S.No. and the remaining portion be assigned to me for mining purposes. I therefore gave another revised application for an extent of 555-48 acres in the same survey No. excluding the area applied for Sri.Gadigi Chennappa. Thereafter the Thasildar Hospet informed me that another extent of 128 acres of the same survey feild has already been granted to Sri.Vishnu Nimbekar of Bombay and that he would recommend for the assignment of the remaining area - i.e. excluding 128 acres of Sri.Vishnu Nimbekar and 56-63 acres of Sri.Gadigi Chennappa - in my favour. So he took another application from me for an extent of 450-85 acres and the same area has been granted to me on mining lease in G.O. Mis.No. 4938 Dev. Dept.dated 6-11-51. Without assigning any reasons the Government have suddenly revised and reduced the extent to 387-63 acres.

Pp: 11 Y (A)

M

I learn from the taluk office Hospet that the area 450-85 acres granted in my favour consists of two detached plots and that I will not be given the two plots on mining lease on a single application and that the second plot is to be excluded from the area and is to be given to Sri.S.Virupksha Setty who has applied for it.

A

I submit that had I been informed well in time before I had put in my final application that each plot has to be applied for separately and that the extent that I had applied for i.e. 450-85 acres consists of two detached plots I would have certainly submitted separate application for each plot. But due to no fault of mine I have been deprived of an area to a tune of 63-22 acres out of the land originally granted to me for mining purposes. In this connection, I would like to state that this reduction must have been due to the high official influence enjoyed and used by Sri.S.Virupksha Setty whose application is subsequent to mine as can be seen from his application.

R. Gangadharappa
Landlord, Banker & Mines Owner,
KAKABAL Hospet (Tq)

HOSPET
(Dt. Bellary)

Ref ..... Date 195

6 Further, after the grant of a mining lease over an extent of 450-85 acres I have entered into an agreement with Messrs. Khemka & Co., Agencies Calcutta to supply them 25,000 tons of iron ore by April 1953. If the area is reduced at present and if I am obstructed from conducting mining operations in plot No.2 over which I have already spent about a lakh of rupees in the mining work, the Government will be responsible for the losses incurred by me. I therefore, humbly protest against the reduction of the area. As I had applied for the full survey number on 24-10-50 and sent revised applications subsequently as instructed by the officers, I am eligable for all the remaining area in the said survey number. If the area is not restored to me I will be put to heavy loss and will be constrained to seek redress in a Court of Law. If the Government direct me to put in a separate application for the 2nd. plot I am prepared to send it now and I request that priority is to be given to this application over the recent application of Sree.Virupaksha Setty.

7 I, therefore, request that the Government may consider the entire case over again and cancel the order issued in their memorandum dated 12-9-52 restoring the original area to me.

8 The local officials are trying to obstruct my minning operations in plot No.2 on account of the high official influence of Sree.S.Virupaksha Setty.

9 I thefefore solicit immediate order to instruct the local officials not to obstruct my work in plot No.2 pending final order by the Government.

copy to The Collector, Bellary
" " The Thasildar, Hospet.

Yours faithfully
ಆ ಆಗಿ ಕೆ. ಗಂಗಾಧರಪ್ಪ

78
11/x

Dev (J) Dept

Endt No. 108/11 J/52-1-W 29.9.52

J
29.9.52

Referred to the Collector of Bellary for remarks

J
28.9.52

28/9.52

29.9.52

11/x

To The Collector of Bellary (with enclosures)

Copy of pp 1-5 of R.D. 28.10.52

10811 J/52

R. Gangadharappa,

Landlord, Banker & Mines Owner,

KAKARAT Hospet (Tq)

HOSPET
(Dt. Bellary)

Date " 20th Jan, 1953.

FIRST ASSISTANT SECRETARY TO GOVERNMENT
Rcd on 22 JAN 1953
DEVELOPMENT DEPARTMENT

The Secretary to Government,
Development Department,
Fort St. George, Madras.

3604 J/22.1.53

Dear Sir,

Sub:- Mining Lease- Hospet Taluk- Jambunathhalli S.No.115 B - 450 acres granted to Sri R,. Gangadharappa- Petition submitted- Orders requested.

In my petition to Government dated 23-9-52, I have furnished full details in respect of my claims over the area described above and requested the Government to revise the orders passed in their Memo No.97573 J/52 dated 12-9-52 reducing the extent granted to me, but so far I have not received any orders from the Government.

2 The third plot which is under dispute is claimed by Mr.S.Virupaksha Setty, who is a retired Collector, is being supported by local officials under duress and influence. Further, I have already invested very large sums of money in prospecting and winning ores from out of the third plot. I have firm contracts with the following firms of international repute which include forfeiture of large sums of money in case of non-performance of the contract by me:-

1. Messrs Khemka: Agencies: Ltd., Calcutta.
2. Messrs S.Lal & Co.,Ltd., Calcutta.
3. Messrs Indian Overseas Trading Corporation, Bombay.
4. Messrs General Transports, Bombay.

3 If therefore, I am asked to cease now mining operations, it would tantamount to abusing the fundamental rights guaranteed by the Constitution of India, and I shall have to resort to the rulings of the Supreme Court, for excercising my Fundamental Rights.

4 The local Forest Department Officials have issued orders to suspend operations on the third plot.

5 In the circumstances explained above, I would request you to be so good as to issue directions to the Local Forest Officials to cancel their orders and permit me to continue operating the third plot until the matter is finally decided by your good selves.

Thanking you, I remain,

Yours faithfully,

Copy to:- The District Forest Officer, Bellary.
The Forest Range Officer, Hospet.

HP C

70
27-1

development Deptt

Endt No. 10811 J) dt 5 dt 28/1/53

Copy communicated to the Collector of Bellary in continuation of Endt No. 10811 J) dt 21 dated 29.9.52. The Collector is requested to submit his remarks very urgently

draft
JJ

compd
MS
27.1.53

JJ
23/1/53

23/1/53

23/1/53

To the Collector of Bellary (with enclosures)

Copy of p.l.s. dated 28.1

NR. 2.3.2.53

108111/52

1

2—14,67,658—21-8-52

Department | Received ____ Registered ____

From (Name) Sri. D.V.Sundaram, I.A.S., | To

Designation Collector of Bellary.

Station

The Secretary to Government,
Development Department,
Fort St. George, Madras.

Enclosures: Roc. No. 15721/50.A.12 dated 29-1-1953 195

Sir,

12899 3.2.53

Sub:- Mining - M.L. Iron Ore and Redoxide of Iron Bellary District - Hospet Taluk - Jambunathhalli village S.No.115.B. Granted to Sri. R. Gangadharappa Reduction in area- appeal petition - report submitted

Ref:- Government Endorsement No.108111.J/52-1 dated 29-9-52

FIFTH ASSISTANT SECRETARY TO GOVERNMENT
FEB 1953
DEVELOPMENT DEPARTMENT

***

I invite the attention of the Government to the combined sketch at page 115 of this office current file S.No.15721/5 enclosed. The "3rd. part" noted therein is now the bone of contentio between Sri. R.Gangadharappa of Rakubal village and Sri. S. Virupakshappa Setty, Retired Collector, Bellary.

2. In his petition submitted to the Government Sri.R Gangadharappa has reported that he first sent in his M.L. application to the Collector on 24-10-1950 requesting the grant of a mining lease in Red-oxide of Iron and Iron Ore over the complete extent of 635-48 acres in S.No.115.B. of Jambunathanalli village. The receipt of his application was acknowledged in this office Roc.15721/50.A1 dated 1-11-1950 and it was forwarded to the Tansildar Hospet for inspection and report. The Tansildar, Hospet submitted his report on 5-12-1950 recommending the grant of the full extent in S.No.115.B on M.L. to Sri. R. Gangadharappa. On receipt of the report of the Tansildar Hospet the papers were forwarded to the District Forest Officer Bellary for remarks as the area is under the control of the Forest Department. The District Forest Officer Bellary submitted his report on 4-2-1951 endorsing the remarks of the Range Officer Hospet. The Range Officer Hospet reported that he had already recommended an extent of 163 acres in the same S.No.115.B. to Sri. S. Channappa of Bellary on mining lease and that the remaining area can be given on mining lease to the applicant Sri. R. Gangadharappa. The Tansildar, Hospet was therefore directed in this office Roc. No. 15721/50.A.1 dated 22-2-1951 to exclude the area already applied for by Sri. S.Channappa and to obtain a revised application from the applicant Sri. R.Gangadharappa for the reduced extent. The Tansildar Hospet in his Roc. 737/51.A.1 dated 7-5-51 reported that Sri. S. Channappa had already applied for about 56 acres and that the remaining area of 555-48 acres may be granted to Sri. R.Gangadharappa. He also submitted a revised application for an extent of 555-48 acres after obtaining the same from Sri. R. Gangadharappa. On 4-6-1951 it was pointed out from this office to the Tansildar Hospet that an extent of 128 acres in S.No.115.B. has already been granted on mining lease to Sri. Vishnu Nimbkar of Bombay and the Tansildar Hospet was further directed in this office Roc.15721/50.A.1 dated 10-7-51 to submit combined sketches in triplicate on ferro-prussiate paper showing the areas granted on mining leases to 1) Sri.S.Channappa and 2) Sri. Vishnu Nimbkar and the area recommended for lease to the applicant Sri. R.Gangadharappa. The Tansildar, Hospet in his Roc.No. 2044/51.A.1 dated 26-7-51 reported that an area of 450-85 acres is available in S.No.115.B. for grant to the applicant Sri. R.Gangadharappa and submitted the sketches in triplicate. He also submitted another revised application obtained from Sri.R.Gangadharappa for 450-85 acres. In this office Roc.15721/50.A.1 dated 4-8-1951 it was reported to the Board of Revenue, Madras that the above area may be granted to Sri. R.Gangadharappa and accordingly it was

10

on mining lease in G.O. Ms. No.4938 Development Department dated 6-11-51 to Sri. R.Gangadharappa.

Later, the Tahsildar Hospet reported in his Rc. No.511/52.A1. dated 15-4-52 that the area granted to Sri.R.Gangadharappa consisted of two detached plots. As Sri. R.Gangadharappa's area was covered by only one single application, proposals were submitted to the Government in this office Roc.No.15721/50.A.1 dated 14-6-52 to reduce the area granted to Sri. R. Gangadharappa to 367-63 acres and this was in accordance with the instructions existing on the date of reference under the M.C. Rules 1949. The Government accordingly reduced the area granted to Sri. R. Gangadharappa to 367-63 acres in their Memo No.97573.J/52-1 dated 12-9-1952. Sri. R. Gangadharappa now contends that he would have given two separate applications with necessary fees, if he had been informed that the revised application submitted by him for 450-85 acres consists of two detached plots. He has further reported that he is even now prepared to submit a separate application with necessary fees for the detached plot, if he is directed to do so and that priority should be given to his application over the application of Sri. S.Virupaksha Setty submitted on 18-1-52 only.

3. Sri. S.Virupaksha Setty, retired Collector Bellary presented his application in this office on 18-1-1952 for the grant of a P;L for two years over an extent of 100 acres in S.Nos.95,105,114, 115A. and 115.B. of Jambunathhalli village to prospect for Iron, Manganese and Red-oxide Ores. His application was presented in this office on 18-1-1952 at 12 Noon. The Tahsildar, Hospet to whom the application of Sri. S.V.Setty was forwarded for remarks has reported that S.Nos.95,105, and 114 are not available for grant to Sri. S.V.Setty, as S.No.95 is not at the disposal of the Government and as S.Nos.105 and 114 have already been leased out to Sri. Siddalingana Gowd and Sri.G.Channappa respectively. Regarding S.No.115.B. he reported that no area was available for grant, as its entire area was covered by the three mining leases granted to 1) Sri. Vishnu Nimbkar of Bombay 2) Sri. Gadigi Channappa of Bellary and 3) Sri. R. Gangadharappa of Kekubal village. The Tahsildar Hospet further reported that S.No.115.A. alone has not been occupied or applied for by any one so far but suggested that a portion of the area in S.No.115.B. is likely to be available, after reducing the area granted to Sri. R.Gangadharappa. This portion reported by the Tahsildar is the 'Third part' marked in the sketch at page 115 of this office current file.

4. According to the instructions issued in Government Memo No.123888.J/52-8 dated 30-7-52' area of the land' occuring in rule 14(c) and 27(c) of the M.C. Rules 1949 does not necessarily mean a single contiguous area and will include several detached areas or plots. The M.C. Rules 1949 are not therefore contravened if scattered areas are included in a single application provided that all such areas are correctly described as prescribed in rules 14(c) and 27(c) of the M.C. Rules 1949, giving a description illustrated by a map or plan showing as accurately as possible the situation, boundaries and the area of the land in respect of which the lease is required. The blue print sketch submitted by Sri. R.Gangadharappa (at page 101 C.F) shows clearly the areas granted to other mine owners ie.(1) Gadigi Channappa and

(2) Sri. Vishnu Nimbkar and the area of 450-85 acres applied for by him on mining lease. His revised application for an extent of 450-85 acres was submitted by the Tahsildar Hospet along with his report No. No.2044/51.A.1 dated 26-7-51. But the Tahsildar Hospet failed to mention in the above report that the area of 450-85 acres applied for by the applicant consisted of two detached plots. Even while submitting proposals for the reduction of the area granted to Sri. R.Gangadharappa in G.O. No. D.4936 Development Department dated 6-11-51, the Tahsildar never reported all the facts now raised by the petitioner, in his petition submitted to Government, but merely requested the Collector to address the Government to reduce the area granted to Sri. R.Gangadharappa by 63-44 acres, as the area granted to Sri. R.Gangadharappa consisted of two detached plots and Sri. R.Gangadharappa's area was covered by only one single application. Accordingly proposals were submitted to Government in this office No.C.15721/50.A1 dated 14-6-52 to reduce the area granted to Sri. R. Gangadharappa to 387-63 acres. When called on to offer his remarks on the present petition of Sri. R.Gangadharappa the Tahsildar, Hospet in his No. No. 3886/52.A.1 dated 8-10-52 has reported that if the original application of the petitioner is "considered, Sri. R.Gangadharappa's representation needs favourable consideration, Otherwise Sri. S.Virupaksha Setty will have to get the plot in question". Now the petitioner has stated in his petition to the Government that he had included in his application the area shown as 3rd. plot' and claims 'priority' shown as over that area.

In view of the above facts and the instructions contained in Government Memo No.123888.J./52-8 dated 30-7-52, I request that the Government may be pleased to consider the claims of both Sri. R. Gangadharappa and Sri. S.Virupaksha Chet for grant of mining lease and communicate to me the orders passed in the matter at an early date.

This office current file containing 5 to 156 pages and one file relating to Sri. S.V.Setty containing (26 pages C.F. plus 3 pages L.F.) pages are enclosed for favour of perusal and return.

For Collector.

K.R.31/1

Encl;- Two files.

(By registered post with acknowledgement due)

108111 J/52

13 84

R.O.C. No. 15721/50 A12 Dated. 7.2.53.

FIFTH ASSISTANT SECRETARY TO GOVERNMENT
11 FEB 1953
DEVELOPMENT DEPARTMENT

From
Sri. V. Sundaram, I.A.S.,
Collector, Bellary.

To
The Secretary to Government
Development Department.
Fort. St. George. Madras.

15572 J
9.2.53

Sub:- Mining- M.L. Iron ore and red oxide of iron- Bellary Dt. Hospet Taluk- Jambanathahalli village- S. No. 115 B granted to Sri. R. Gangadharappa Reduction in area- appeal petition- further report submitted.

Ref:- Govt. Endt. No. 108111 J/52-1 dated. 29.9.52
This office R.O.C. No. 15721/50 A12 dated. 29.1.53.
Govt. Endt. 108111 J/52.5 dated. 23.1.53.

In the copy of petition dated. 20.1.53 from Sri. R. Gangadharappa, forwarded with the Govt. Endt. second cited above, he has not brought forth any fresh facts. A detailed report in the matter has already been submitted to Government in this office reference cited above. I request that early orders may be passed in the matter.

For Collector

snvr. 7.2.

14

10871/52

Development (D) Deptt

Submitted for perusal of P.I. alone on this
No action is called for/h. May be added
to the main file

16/2/53

16.2.53

16.2.53

D Remarks of the SIC called for

Reminder issued

Development (D) Dept

Memo No. 108111 T/52 -b- Dt 14.2.53

Mines - Mining lease - Iron ore and Red oxide of iron - (Bellary) - Hospet Taluk - Jambunathahalli village S No. 115.B. granted to Sri. R. Gangadharappa - Reduction in area - Appeal petition.

Ref:- From Sri. R. Gangadharappa, Hospet petition dated 23.9.52

(ii) From the Collr. of Bellary R.O.C. 15721/50 A.12. dated 29.1.53.

Copies of the references cited are forwarded to the DIMC. for very urgent remarks

11/2/53

To The DIMC (with copy of CF and records at R to be returned with reply)

P.T

~~[illegible]~~ 10

(0871)/52

A.S

The petition from Sri R. Gangadarappa at pp 1-5 of and the remarks of the Coll. at pp 9-11 of may be perused. The Coll. has furnished the facts of the case and has requested the Govt. to consider the claims of Sri Gangadarappa and Sri. Virupakshai Setty for the grant of M.L. in respect of the area referred to by the petitioner and to pass orders. It seems desirable to invite the remarks of the DISC also in the matter.

✓ pp 9-11 of
× Amp 11 of

The draft Memo at p 1 above is for approval.

10.2.53 11.2.53

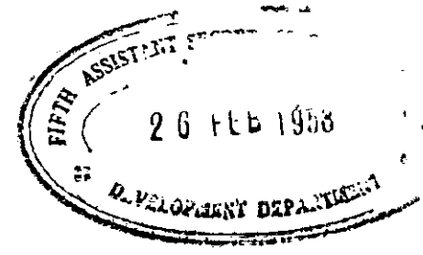
11/2/53

13.2.53

Dated 26th February, 1953.

From

R. Ganghadharappa,
Mine Owner,
H O S-P-E-T.
(Bellary District)



To

The Assistant Secretary,
Development Department,
Governmentof Madras,
M A D R A S.

22787 J

Sir,

Sub- MINING LEASE - Iron Ore - and Red Oxide Bellary District - Hospet Taluk - Jambunathahalli S.No.115-B- Reduction in extent-appeal.

Ref-1. G.O.No.4938 Dev.Dept. dated 6-11-1951.
2. Government Memorandum No.97573.J/52-1. dated 12-9-1952.

In Government Memorandum No.97573 J/52-1-dated 12-9-1952 a parcel of land measuring 63.22 acres was eliminated from the total extent of 450.85 acres originally granted me on mining lease in G.O.No. 4938. Development Department dated 6-11-1952. I had appealed against this order (copy enclosed).

2 I learn that this parcel of land was eliminated on the ground that it constitutes a detached plot.

3 The Government orders on the subject are very clear. More than one detatched plot can be applied for in one application. I therefore submit that there is no reason why this portion should have been eliminated from the lease originally granted to me.

4 I submit that it is nearly five months since I preferred an appeal. I have been stopped from working the mine. This has put me to heavy losses. I request that I may be restored the area I have been deprived by the Government Memorandum.

Yours faithfully,
Gasen Solomon (GASEN SOLOMON)
MINE MANAGER.
for Gangadareppa.R.

~~4-6-53~~ 18/

83
4/3

Development (I) Deptt

Endt No. 10811 I)52 — 7 Dt 4.3.53

Copy Communicated w the Dte.

Draft
I
4/3/53

in Continuation of Govt Memo No. 10811(I)52-6-Dt 14-2-53. He is requested to expedite his reply

I
2-3-53
MS
2-3-53

4/3/53

Contd
5/3/53

Dte
6/3 Copy p13 above

WR 24.3.53

Hospet,
Dated 23rd September,1952.

To

The Secretary to the Government of Madras,
Development Department,
Fort St.George;
M A D R A S.

Sir,

Sub= MINING LEASE- Iron Ore and red oxide of iron- Bellary District - Hospet Taluk- Jambunathanahalli- S.No.115-B- application of R.Gangadharappa-reduction in-area - appeal - submitted.

Ref=1. G.O.No. 4938. Dev. Department dated 6-11-1951.
2. Government Memorandum No.97573 J/52-1-dated 12-9-1952

In the G.C. cited above the Government were pleased to sanction a mining lease in my favour for a period of 30 years over an extent of 450-85 acres in S.No.115 B of Jambunathanahalli of Hospet taluk. Subsequently the Government have revised and reduced the extent to 387-63 acres in the Memo cited, without assigning any reasons.

2 From a perusal of the notice issued by the Tahsildar Hospet in his ROC No.3886/52-A1.dated 15-9-1952, prohibiting me from working on the mines in plot No.3 of S.No.115 B of Jambunathanahalli, I learnt that one Sri S.Virupaksha Setty has applied for the same. This gentleman is a retired Collector and has high influence in official circles. He has applied for this area on the pretext that I had not applied for it.

3 The history of my mining lease is given below=-

On 24-10-1950 at 2 P.M. I submitted an application for a mining lease over the complete extent of635-48 acres of S.No.115 B of Jambunathanahalli village and the receipt of which was acknowledged by the Collector on 1-11-1950. The Collector directed me to send in my application in the prescribed form and remit an amount of Rs.500/- towards prelimi-

nary expenses On 19-12-1950, I submitted an application in the prescribed form as directed by the Collector and remitted a sum of Rs.500/- Subsequently on information from the Tahsildar, Hospet, I submitted a report to him on 26-2-1951 requesting that the area already applied for by Sri Gadigi Channappa may be excluded from the area of the above S.No. and the remaining portion be assigned to me for mining purposes. I therefore gave another revised application for an extent of 555-48 acres in the same survey No. excluding the area applied for Sri Gadigi Channappa. Thereafter the Tahsildar, Hospet, informed me that another extent of 128 acres of the same survey field has already been granted to Sri Vishnu Nimbakar of Bombay and that he would recommend for the assignment of the remaining area (i.e.) excluding 128 acres of Sri Vishnu Nimbekar and 56-63 acres of Sri Gadigi Channappa in my favour. So he took another application from me for an extent of 450-85 acres and the same area has been granted to me on mining lease in G.O.Mis. No.4938 Development Department dated 6-11-1951. Without assigning any reasons the Government have suddenly revised and reduced the extent to 387-63 acres.

I learn from the Taluk Office, Hospet that the area of 450-85 acres granted in my favour consists of two detached plots and that I will not be given the two plots on mining lease on a single application and that the second plot is to be excluded from the area and is to be given to Sri S.Virupaksha Setty who has applied for it.

I submit that had I been informed well in time before I had put in my final application that each plot has to be applied for i.e. 450-85 acres consists of two detached plots, I would have certainly submitted separate application for each plots, I would have certainly submitted separate application

for each plot. But due to the fault of mine I have been deprived of an area to a tune of 63-22 acres out of the land originally granted to me formining purposes. In this connection I would like to state that this reduction must have been due to the high official influence enjoyed and used by Sri S.Virupaksha setty whose application is subsequent to mine as can be seen from his application.

6 Further after the grant of a minkng lease over an extent of 450-85 acres I have entered into an agreement with Messrs. Khemka & Co., Agencies Calcutta to supply them 25,000 tons of iron ore by April 1953. If the area is reduced at present and if I am ebstructed from conducting mining operations in plot No.2. over which I have already spent about a lac of rupees in the mining work, the Government will be responsible for the losses incurred by me. I therefore humbly protest against the reduction of the area. As I had applied for the full survey number on 24-10-1950 and sent revised applications subsequently as instituted by the Officers I am eligible for all the remaining area the said survey number. If the area is not restored to me I will be put to heavy loss and will be constrained to seek redress in the Court of Law. If the Government direct me to put in a separate application for the 2nd plot, I am prepared to send it now and I request that priority is to be given to this application over the recent application of Sree S.Virupaksha Setty.

7 I therefore, request that the Government may consider the entire case over again and cancel the order issued in their memorandum dated 12-9-1952 restoring the original area to me.

8 The local officials are trying to obstruct my mining operations in plot No.2 on account of the high official influence of Sree S.Virupaksha Setty.

I therefore solicit immediate order to instruct the local officials not to obstruct my work in plot No.2.pending final order by the Government.

Yours faithfully,

Sd/- R. Ganghadarappa.

Mine Owner Bellari.

Copy to:-The Collector, Bellary.
The Tahsildar.Hospet.

(e.copy)

D. Asea Solomon

(Dasea Solomon)

Mine Manager

23

Bellary
18-4-53

To
The Secretary
Development department
Fort.St. George. Madras.

Sub :- Minint leases - Bellary District-
Hospet Taluk - Jambunathanahalli
village - S. No. 115.B. Petition
presented by S. Virupaksha Setty,
Retired Collector , Gandhinagar,
Bellary.

Sir,

A | As early as on 18-1-1952 I applied to the Collector of Bellary fort he grant of a small piece of unoccupied Forest Reserve Land about sixty acres in extent forming part of S.No. 115.B of Jambunathanahalli , Hoapet Taluk for the purpose of mining for Iron Ore. Before doing so I took the trouble of ascertaining through a technically qualified Agent whether the said land was suitable for the purpose, and available for grant. Till now I have not received any orders in the matter. I understand that R. Gangadharappa, Hospet, has put in a petition to the Government objecting to the grant of the said plot to me. He seems to have made some unfounded allegations against me, and also to have threatened the Government with a suit.

2 I wish to ~~the state~~ represent the following facts for your consideration in this connection. Before presenting my application my agent actually acted contacted the said Gangadharappa, and enquired him about the Eastern boundary of the area leased to him. The said Gangadharappa then stated clearly to my agent that his area was situated entirely to the West of the steps leading to the temple of Sri. Jambunadhaswami, and that to the East of the said steps was situated the area granted to G. Chennappa.

3 In the usual course my application was forwarded to the Tahsildar , Hospet for enquiry and Report. The Tahasildar and his subordinates then inspected the land in question in my presence. Myself as well as they, found that the plot in question was lying unoccupied by anybody and bearing no traces of any mining operations, or cairns or Survey boundaries. It is only after being thus satisfied that the said area was lying unoccupied and unassigned that the Tahsildar recommended its grant in my favour in his L.Dis. C. No. 648/52.A.1. dated 14-4-52. After knowing that the area applied for by me was recommended to be leased in my favour the said Gangadharappa entertained the idea of defeating my application, and began to invent means for doing so. He then discovered that there was an error in noting the area in the lease granted to him, and that he could avail himself of this error to argue that the lease granted to him included the small plot applied for by me. If he had known that his lease included ~~this area~~ the area now applied for by me, he would not have failed to put up cairns , or, other boundary marks over his plot, and ee commence mining operations thereon. The ~~Forest officers~~ Revenue officers, at the time of their inspection, never noticed any cairns, boundary marks, or traces of occupation

about February, or March 1952. Else the Tahasildar would not have recommended the lease in my favour.

4 The facts of the case appear to be as follow :- Originally S.No 115 of Jambunathanahalli village seems to have been an unsurveyed Forest Block. Subsequently in connection with Forest Panchayat management a bye-number with an area of 635.4 acres seems to habe been formed out of it, and denotated as 115.B. Out of this bye-number an extent of 128 acres seems to have been granted to Vishnu Nimbekar. Another portion of 56.63 acres seems to have been granted to G. Chennappa - both for mining purposes. In between these two plots there was lying vacant a long narrow strip of about 60 acres in extent unnoticed, and uncared for by any body. A vast stretch of more than 450 acres was also lying unoccupied situated in a compact block lying to the West of the stone steps leading to the Temple of Jambunath. It was this vast stretch of area that Gangadharappa applied for and occupied. He was never aware of the fact that between the areas of Chennappa and Vishnu Nimbekar there was a small plot of unassigned land till I applied for it. The theory that his application included also the area now applied for by me is clearly an after-thought, prompted by the dishonest desire to defeat my application. For achieving this object he has made unfounded allegations against me, and also threatened the Government with a suit. According to a recent decision of the Madras High Court, the Government is the final authority in granting such leases, and no suit lies against the discretionary orders passed by the Government in matters of this kind.

5 At the time the area applied for by him was inspected and surveyed before the lease was granted to him, if he had shown the plot now in dispute to the Authorities they would not have failed to demarcate it, and to survey it. The area entered in the lease granted to him seems to have been worked out in office by deducting the areas granted to Vishnu Nimbkar, and Chennappa from the registered area of 115.B. :-

Total area of the number	635.48
Deduct areas assigned to Nimkar and G. Chennappa. 128.0 + 56.63 = 184.63	184.63
Balance available for lease to Gangadharappa.	450.85

This area was thus arrived at arithmetically ignoring the existence of the plot now applied for by me.

A In the circumstances I request that the objections raised by Gangadharappa may be overruled, and the plot applied for by me may be granted to me under priority rules since my application is the first.

K. Reddy

18.4.53

copy to the Director of Industries & Commerce, Madras

1126

58
25/4

Development Deptt

Endt No. 10811 D/52 — II — Dtd 24.4.53

Communicated to the Dte

from
DI
Veres

in continuation of Govt Memo No. 10811 D/52-b - pt 5 above dated 14-2-53. He is requested to submit his report very urgently.

DI
24/4/53

DI
23/4/53
Mukh 53
23/4/53

To The Dte.
(with a copy
of pp 23-25 above)

N.R. 8.5.53

108111 J/52

27

OFFICE OF THE DIRECTOR OF INDUSTRIES AND COMMERCE: MADRAS

From
Sri M.T. Raju, Bar-at-Law, I.C.S.,
Director of Industries and Commerce,
Cathedral P.O. Madras 6.

To
The Secretary to Government,
Development Department,
Fort St. George, Madras.

Ref. J.1/1128/53-2 dated 23-4-1953.

25503
1.5.53

Sir,

Sub: Mining - Mining lease - Iron and Red oxide of Iron - Bellary District - Hospet Taluk - Jambunathanahalli village - S.No.115-B - reduction in area - appeal petition - report - submitted.

Ref: 1. From the Collector of Bellary 15721/50/A.12 dated 29-1-1953.
2. Government Endorsement No.108111-J/52-6 dated 14-2-53.
3. Government Endorsement No.108111-J/52-7 dated 4-3-1953

In G.O. Ms. No. 4938 Development dated 6-11-1951 Sri Gangadharappa of Kakubal was granted a mining lease for Iron ore and Red oxide of Iron over an extent of 450.85 acres in S.No.115/B of Jambunathanahalli village, Hospet Taluk for a period of thirty years. The Collector of Bellary subsequently in his letter No.15721/50/A.1 dated 14-6-1952 reported that the area to be granted to Sri Gangadharappa was only 387.63 acres as an extent of 63.22 acres was erroneously included in the grant. The Government in their Memo No.97573-J/52-1 dated 12-9-1952 directed that the extent of land to be granted shall be 387.63 acres only. Sri Gangadharappa has appealed against the revised orders of the Government.

2 The appellant has contended that the area measuring 450.85 acres for which a mining lease was granted originally consists of two detached plots and that he would have submitted two separate applications for them if he were informed accordingly and has requested that the orders issued in Government Memo No.97573-J/52-1-Dev. dated 12-9-1952 may be cancelled and that the mining lease in respect of the original area of 450.85 acres may be restored.

(p.t.o.)

3 The Collector has reported that the area available for grant to Sri Gangadharappa is 450.85 acres consisting of two detached plots and that in accordance with the instructions contained in Government Memo No.123888-J/52-8 Dev. dated 30-7-1952 read with rule 14 (c) and 27 (c) of the Mineral Concession Rules 1949 the area of the land does not necessarily mean a single area and will include several detached areas or plots and that as such the grant of mining lease to the applicant on a single application does not contravenem the Mineral Concession Rules. The Collector has further reported that the blue print sketch submitted by Sri Gangadharappa complies with the requirements of the Mineral Concession Rules and that the issues raised by the appellant in his petition were not reported by the Tahsildar, Hospet while submitting revised proposals for reduction of the area granted to Sri Gangadharappa.

4 In this connection it is submitted that the circumstances that the plots in question were not contiguous and that no separate applications were filed for each of the plots cannot serve to disentitle him to obtain a lease for the entire area vide instructions contained in Government Memo No.123888-J/52-8 Development dated 30-7-1952. It is therefore recommended that the appeal petition of Sri Gangadharappa may be allowed.

5 The application, chalan, sketches and the record of enquiry are submitted herewith.

for Director of Industries and Commerce.

sg.25.4.
Encls:

136/21/5

Development (I) Dept

CNo. 1081/II/52 — Mines - Mining Lease - Iron and Red oxide of iron - (Bellary) - Hospet Taluk - Tambuvattanahalli Village - S No. 115/B - grant to Sri R. Gangadharappa - Orders passed.

Read again:- G.O Ms. No. 4938 dated 6.11.51

(ii) Memo No. 97573/J/52-1 dt 12.9.52

Read also:- From Sri. R. Gangadharappa, Hospet, petition dt 23.9.52

(ii) From Sri. S. Virupakshappa Setty, petition dated 18.9.53

(iii) From the Collr. of Bellary R.C. 15721/50 A12 dt 29.1.53

(iv) From the Dir. C No. J.1/11288/1952 dated 23.9.53

Order Ms No. 2375 dated 21-5-53

In G.O Ms No. 4938 dated 6.11.51 Sri. R. Gangadarappa of Kakubal was granted a mining lease for iron ore and red oxide of iron over an extent of 450.85 acres in S.No. 115/B of Tambuvattana halli Village, Hospet Taluk, Bellary Dist. for a period of 30 years. As the Collector of Bellary subsequently reported that an extent of 63.22 acres was erroneously included in the grant, orders were issued in Memo. No. 97573/J/52-1 dated 12.9.52 directing that the extent of the land granted to Sri Gangadarappa was only 387.63 acres. In his petition dated 23.9.52, Sri R. Gangadarappa has represented against the orders of the Govt. reducing the extent to 387.63 acres and has requested that the mining lease in respect of the original area of 450.85 acres

4/1 30

may be restored to him. In his petition dated 18.1.52, Sri S. Virupakshappa Setty, Bellary has represented that he applied for the plot on 18.1.52 and that the plot may be granted to him under priority rules since his application was the first. pp 23-25 of

2. The Govt. have examined the question in consultation with the Collr. of Bellary and the DTCP, Madras. They consider that in view of the instruction issued by the Govt. of India in their letter No. M II 2081/51 dated 10.5.52, communicated with Govt. Memo No. 123888 Rev 8 dt 30.7.52, the application of Sri R. Gangadharappa dated 24.10.50 should be considered as a valid one in respect of all the available plots in S No. 115/B of Tambrahalli Village, including detached plots thereon. The Govt. therefore direct that the said orders issued in Memo No. 97537/52-1 dated 12.9.52 be cancelled and that the extent of 450.85 acres originally granted to Sri. R. Gangadharappa in G.O No. 4938 Rev dated 6.11.51 be restored to him. (H) Vide 2 on p 3 of A on p 2 of A on p 3 of pp 5-11 of (A)

3. The application of Sri S. Virupakshappa Setty dated 18.1.52 for P.L. ~~extent of 450 acres~~ in respect of the area mentioned in para 1. above is rejected. Vide 3 on p 3 of

16.5.53

16.5.53

16.5.53

18/5/53

To The DTCP. [with records at (B) and (A)]

" The Collr. of Bellary.

" Sri R. Gangadharappa Land Lord, Banker & Mine owner Kakabal Hospet Tk Bellary dist.

" Sri S. Virupaksha Setty, Retired Collector Gandhinagar, Bellary

original to Mysore Govt

GOVERNMENT OF MADRAS

Abstract

MINES - Mining Lease - Iron and Red Oxide of iron - (Bellary) - Hospet Taluk - Jambunathanahalli village - S.No. 115 B - Grant to Sri R. Gangadharappa - Orders passed -

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Development Department

G.O. Ms. No. 2375 Dated the 21st May 1953

Read the following:

G.O. Ms. No. 4038, Development, dated 6-11-1951.
Memo. No. 97573 J/52-1 dated 12-9-1952.

Read also:

From Sri R. Gangadharappa, Hospet, petition dated 23--9--1952.
From Sri S. Virupaksha Setty, petition dated 18--4--1953.
From the Collector of Bellary, ROC 15721/50 A12 dated 20-1-1953
From the Director of Industries and Commerce, No. J.1/1128/53-2 dated 23--4--1953.

O R D E R

In G.O. Ms. No. 4038, Development, dated 6-11-1951 Sri R. Gangadharappa of Kakubal was granted a mining lease for iron ore and red oxide of iron over an extent of 450.85 acres in S.No. 115/B of Jambunathana halli village, Hospet Taluk, Bellary District for a period of 30 years. As the Collector of Bellary subsequently reported that an extent of 63.22 acres was erroneously included in the grant, orders were issued in Memo. No. 97573 J/52-1 dated 12-9-1952 directing that the extent of the land granted to Sri Gangadharappa was only 387.63 acres. In his petition dated 23-9-1952, Sri R. Gangadarappa has represented against the orders of the Government reducing the extent to 387.63 acres and has requested that the mining lease in respect of the original area of 450.85 acres may be restored to him. In his petition dated 18-4-1953, Sri S. Virupaksha Setty, Bellary has represented that he applied for the plot on 18-1-1952 and that the plot may be granted to him under priority rules since his application was the first.

2. The Government have examined the question in consultation with the Collector of Bellary and the Director of Industries and Commerce, Madras. They consider that in view of the instructions issued by the Government of India in their letter No. M II 2081/51 dated 10-5-1952, communicated with Government Memorandum No. 123888 J/52-8 dated 30-7-1952, the application of Sri R. Gangadarappa dated 24-10-1950 should be considered as a valid one in respect of all the available plots in S.No. 115 B of Jambunathanahalli village, including detached plots therein. The Government therefore direct that the orders issued in Memo. No. 97573 J/52-1 dated 12-9-1952 be cancelled and that the extent of 450.85 acres originally granted to Sri R. Gangadharappa in G.O. No. 4038, Development, dated 6-11-1951 be restored to him.

p.t.o.

3. The application of Sri S. Virupaksha Setty dated 18-1-1952 for prospecting licence in respect of the area mentioned in paragraph 1 above is rejected.

(BY ORDER OF THE GOVERNOR)

S. ARUL DOSS,
Deputy Secretary to Government.

To
The Director of Industries and Commerce (with enclosures)

The Collector of Bellary

Sri R. Gangadharappa, Landlord, Banker and Mine Owner, KAKABAL, Hospet Taluk, Bellory District.

Sri S. Virupaksha Setty, Retired Collector, Gandhinagar, Bellary.

Forwarded/By Order.

JK 21/5.

SUPERINTENDENT.

Development(J)Department.

CNo. 1881113/52 — Mines - Mining lease - Iron and Red Oxide of iron - (Bellary) Hospet Taluk - Jambunathanahalli Village - S.No.115.B - Reduction in area - Appeal petition.

pp1-7 cf.
pp9-11 cf.
pp23-25 cf.
pp27-28 abs c.

From Sri R.Gangadharappa petition D/23-9-52.
From the Collr.of Bellary Roc.No.15721/52.A.12,D/29-1-53.
From Sri Virupaksha Setty,Bellary Petition D/18-4-53.
From the D.I. &C. No.J1/1128/52-2.D/23-4-53:

A.S.

p5-11 cf (A)

In G.O.No.4938.Dev.dated 6-11-51, Sri Gangadharappa of Kakubal was granted a mining lease for iron ore and red oxide of iron over an extent of 450.85 acres in S.No.115/B of Jambunathanahalli Village, Hospet Tak, Bellary Dist. for a period of 30 years. In his letter dated 14-6-52, the Collr of Bellary reported that the area to be granted to Sri Gangadharappa was only 387.63 acres and that an extent of 63.22 acres was erroneously included in the grant. He therefore requested that the extent of 450.85 acres granted to Sri Gangadharappa in G.O.No.4938.Dev. D/6-11-51 may be amended as 387.63 acres. Accordingly, orders were issued in MemoNo.97573.J/52-1, dated 12-9-52 directing that the extent of land ~~to be~~ granted to Sri Gangadharappa was 387.63 only. Sri Gangadharappa has now appealed against the revised orders reducing the extent to 387.63 acres.

p pp15-16 cf (A)

(B) X enp16 cf (A)

✓pp17-18 cf (A)

In his appeal petition at pp.1-5 c.f. Sri Gangadharappa contends that, the area measuring 450.85 acres for which a mining lease was originally granted to him in G.O.No.4938.Dev.D/6-11-51 consists of two detatched plots and that he would have submitted two separate applications for them, if he were informed accordingly. He has therefore requested that the orders issued in Govt.Memo No.97573.J/52-1, dated 12-9-52 may be cancelled and that the mining lease in respect of the original area of 450.85 acres may be restored, as otherwise he will be put to heavy loss.

(2) pp1-5 cf

(3) M enp3 cf

✓pp15-16 cf (M)

(A) enp3 cf

(N) X enp5 cf

✓pp17-18 cf (A)

N enp5 cf

In his petition at pp.23-25 cf. Sri Virupaksha setty has represented that he applied for the plot on 1/52. and that during inspection, the Tahsildar and his

(A) enp23 cf

(B) enp23 cf

(p.t.o.)

subordinates found the plot lying unoccupied by anybody and bearing no traces of any mining operations or or survey boundaries. He has alleged that it only with a view to defeat his application, Sri Gangadharappa had "invented means".

It may be pointed out here, that as the application of Sri Gangadharappa dated 24-10-50 included the plot applied for by Sri Virupaksha Setty on 18-1-52, the application of the former alone will get priority.

The remarks of the Collr of Bellary on the appeal petition are at pp9-11.cf. The Collr. has reported that while submitting the proposals for the reduction of the area granted to Sri Gangadharappa, the Tahsildar never reported all the facts now raised by the petitioner but merely requested him to address Govt. to reduce the area granted to Sri Gangadharappa in G.O.No.4938.Dev. d/6-11-51, as the area consisted of two detached plots and as Sri Gangadharappa's area was covered by only one single application. The Tahsildar has now reported that if the original application of Sri Gangadharappa is considered as a valid one, his representation needs favourable consideration.

The Collr. has reported in this connection that the provisions of the M.C.Rules are not contravened if scattered areas are included in a single application, provided that all such areas are correctly described as required in rules 14(c) and 27(c) of the M.C. Rules. He has reported that the blue print sketch submitted by Sri Gangadharappa complies with the requirements of the M.C. Rules. In view of the above facts and of the instructions contained in Memo No.123888.J./52-8-D/30-7-52, the Collr. has requested the Govt. to consider the claims of both Sri Gangadharappa and Sri Virupaksha Setty for the grant of mining lease and to pass orders.

The D.I. & C., has observed that in view of the instructions contained in Memo No.123888.J/52-8, dated 30-7-52, the facts that the plots in question were detached ones and that separate applications were not filed for each of them cannot entitle the applicant (Sri Gangadharappa) to obtain a lease for the entire area.

13/13/p

He has therefore recommended that the appeal petition of Sri Gangadharappa may be allowed.

It may be observed, that the original application of Sri Gangadharappa was in respect of the complete extent of 635.48 acres in S.No.115.B. of Jambunathahalli and according to the instructions of the G.of I. at (H), his application for all the available plots in the S.No., (including detached plots) should be cosidered as a valid one. In the circumstances, it is for orders whether as recommended by the D.I & C., the appeal petition of Sri Gandharappa will be allowed and the extent of 450.85 acres originally granted to him in G.O.No.4938.Dev.D/6-11-51 will be restored to him.

Vide N, on p 9.cf

S...

Xii on p 22 cf

A

pp1-5 cf

pp15-16 cf A)

If so, the application of Sri Virupaksha setty may be rejected. For orders.

B

9.5.53

A and B above may be approved

11/5/53

12.5.53

15/5/53

M (9 & 7)

entitled to
Individual ea Cas
Due to other urgent
and S.I work on hand

DEPUTY SECRETARY TO GOVERNMENT
14 MAY 1953
DEVELOPMENT DEPARTMENT

Ans.

Orders above:—

A draft order is submitted below for approval.

16.5.53

16/5/53

18/5/53

19.5.53

pp 29-30 cf [issued as G.O No. 2375 dated 21.5.53]